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11 United States of America

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13 IN THE UNITED STATES DISTRICT COURT
14 EASTERN DISTRICT OF CALIFORNIA

15 UNITED STATES OF AMERICA,
16 Plaintiff,
17 v.
18 DAVID GARCIA,
19 Defendant.

CASE NO. 1:22-CR-00308-ADA-BAM
STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
ORDER
CURRENT DATE: September 13, 2023
TIME: 1:00 p.m.
COURT: Hon. Barbara A. McAuliffe

20
21 STIPULATION

22 Plaintiff United States of America, by and through its counsel of record, and DAVID GARCIA,
23 by and through defendant's counsel of record, Robert Lamanuzzi, hereby stipulate as follows:

24 1. By previous order, this matter was set for status on September 13, 2023.
25 2. By this stipulation, defendant now moves to vacate the status conference and set a change
26 of plea hearing before the Honorable Ana de Alba on November 13, 2023 at 8:30 a.m., and to exclude
time between September 13, 2023, and November 13, 2023 at 8:30 a.m., under 18 U.S.C. §
3161(h)(7)(A), B(iv).

27 3. Defense counsel desires additional time to finalize discussions with the defendant and to
28 execute the plea agreement.

a) The government asserts the discovery in this matter has been provided to counsel.

The government is aware of its ongoing discovery obligations.

- 1 b) The government provided a plea offer on June 8, 2023.
- 2 c) Counsel for the defendant desires additional time to consult with his client and
- 3 execute the plea agreement.
- 4 d) Counsel for defendant believes that failure to grant the above-requested change of
- 5 plea date would deny them the reasonable time necessary for effective preparation, taking into
- 6 account the exercise of due diligence.
- 7 e) The government does not object to the date.
- 8 f) Based on the above-stated findings, the ends of justice served by continuing the
- 9 case as requested outweigh the interest of the public and the defendant in a trial within the
- 10 original date prescribed by the Speedy Trial Act.
- 11 g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
- 12 et seq., within which trial must commence, the time period of September 13, 2023 to November
- 13 13, 2023 at 8:30 a.m., inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A),
- 14 B(iv) [Local Code T4], because it results from a continuance granted by the Court at defendant's
- 15 request on the basis of the Court's finding that the ends of justice served by taking such action
- 16 outweigh the best interest of the public and the defendant in a speedy trial.

17 **[Remainder of page intentionally left blank.]**

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: September 6, 2023

PHILLIP A. TALBERT
United States Attorney

/s/ KIMBERLY A. SANCHEZ
KIMBERLY A. SANCHEZ
Assistant United States Attorney

Dated: September 6, 2023

/s/ Robert Lamanuzzi
Robert Lamanuzzi
Counsel for Defendant

ORDER

IT IS SO ORDERED that the status conference set for September 13, 2023, is vacated. A change of plea hearing is set for **November 13, 2023, at 8:30 a.m. before District Judge Ana de Alba**. Time is excluded pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv).

IT IS SO ORDERED.

Dated: **September 6, 2023**

/s/ Barbara A. McAuliffe

UNITED STATES MAGISTRATE JUDGE